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REMARKS

Applicant has carefully reviewed the Office Action dated February 7, 2005. Claims 1-16, 18-33 and 35 are pending in this application. Applicant has amended Claims 1 and 19 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-16, 18-33 and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-26 of copending Application No. 09/659,520.

This Application is copending and, therefore, Applicant believes that this rejection can be dealt with at a later time.

Claims 1-12, 16-18, 19-30 and 33-35 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over *Hudetz et al.*, *Nelson* and further in view of *Russell et al.* These references are the identical references that were discussed in the previous *Office Action*. This rejection is respectfully traversed.

Applicant's present inventive concept, as set forth in the Claims, is directed toward a number of aspects. The first is that a portable triggering device be provided as a unique code associated therewith. This unique code is primarily for the purpose of connecting to a Web location. When the triggering device is in the proximity of the activation system, the activation system will extract the unique code therefrom. Once extracted, this unique code is used by the activation system to access a data base and examine the data base for a relationship between location information and unique codes. When the unique code extracted is found, the associated location information is then retrieved and utilized in response to the retrieving and triggering operations, to connect the activation system to the remote location associated with that location information. Thereafter, a Web page is presented to the user via the activation system.

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The *Hudetz* reference is a reference that requires a user to actively scan in a code that is designed for the purpose of identifying a manufactured product. Once scanned in, the code is sent to a relational data base node on a network and the lookup performed in a relational data base to determine corresponding location information stored therein. This location information is returned to the user in the form of an HTML page. When the HTML page is returned to the user location, it is the user location that then determines what to do with it. A user location can display this for the user to make a selection or it can make a determination as to whether information was returned with the HTML page and utilize this information to connect to a particular Web site associated with that location information. What *Hudetz* lacks is a portable triggering device having a unique code stored therein. There is no disclosure in *Hudetz* that would in any way suggest that the code would be stored in the device itself. The reason for this is that the whole purpose and motivation of *Hudetz* is to utilize this system to acquire information about products. The only way this would be done is for a user to view the product, see the code and then scan the code to obtain information therefrom. The user would not take a scanner, for example, and connect it to the user's PC for the purpose of obtaining information about the scanner. The only purpose for the *Hudetz* system is to retrieve information about product codes which are disposed on a product.

The second reference that the Examiner uses is the *Nelson* reference. As set forth in the previous response, the *Nelson* reference is a reference that is basically an RFID tag. This RFID tag is utilized for the purpose of storing a permanent ID therein and allowing a reader to read the code. This RFID tag is basically a transponder in that it receives a request and responds to that request. When the ID is received, as in most conventional systems, this ID is utilized for the purpose of billing a user or allowing a user access to some port or entry. There is no motivation in *Nelson* that would lead one to utilize this for the purpose of providing that unique code to assist them for the purpose of looking up location information or some remote location on the Web in order to obtain information about some product. In *Hudetz*, the code is related to a web location as a pointer to some item of interest to the user. Thus, there is no motivation to combine *Nelson* and *Hudetz* for the purpose of replacing the scanner with the portable unit. This scanner is something that the user utilizes to read an external code, with the system operable to read multiple codes, whereas the transponder is a system that is operable to provide a single

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code which is not visible to this user and the user has no need to see that code, as the user does not care what the code is. Thus, there is no motivation to combine the two nor is there any suggestion that combine these two references.

The third reference the Examiner utilizes is the *Russell* reference, for support of the step of "automatically" connecting. The *Russell* reference is a reference that does not have to retrieve location information associated with a unique code, since the location information is embedded within the unique code. Therefore, there would not be required any step of retrieving.

Applicant believes that neither of *Hudetz*, *Nelson*, or *Russell*, taken singularly or in combination, render Applicant's present inventive concept obvious or unpatentable. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection with respect to the rejection of Claims 1-12, 16, 18, 19-30, 33 and 35.

Claims 13-15 and 31-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of *Hudetz*, *Nelson*, *Russell* and further in view of *Wellner*. Claims 13-15 depend from Claim 1 and, the *Wellner* reference does not cure the deficiency noted herein above with respect to the combination of *Hudetz*, *Nelson* and *Russell*. Claims 31-32 are dependent from Claim 31 and for the same reason, the addition of the *Wellner* reference does not cure the deficiencies noted herein above with respect to the combination of *Hudetz*, *Nelson* and *Russell* as applied to Claim 19. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 13-15 and 31-32.

Claims 19-22, 24, 26, 28-29, 33 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable with the combination of *Buckley* and *Schmitt*. This rejection is respectfully traversed.

The *Buckley* reference is a reference that is very similar to *Hudetz*. It is basically a portable pen that is nothing more than a scanner. This scanner is operable to retrieve a code or multiple codes that the user is interested in and, once stored, place them into a pen holder for downloading. When in the pen holder, it is basically no different than a wired scanner. Thereafter, it operates similar to *Hudetz*. What is missing is the portable triggering device with a unique code, which unique code is for the

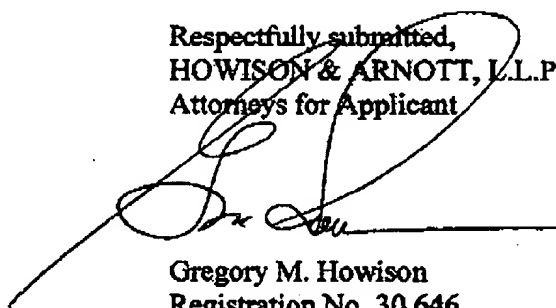
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purpose of determining a remote location on the network. The Examiner has noted that *Buckley* fails to disclose "a portable triggering device of a user having a unique code stored therein." The Examiner is utilizing the *Schmitt* reference to support this portion of the rejection. The *Schmitt* reference is nothing more than the device of the *Nelson* reference in that it is basically a portable transponder that has an authorization code or the such stored therein which will grant access when in proximity thereto. Again, there is no motivation, in Applicant's opinion, to combine these two references. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. rejection with respect to claims 1-4, 8, 9, 10-11, 16, 18-22, 24, 26, 28-29, 33 and 35.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,356 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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